

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STONE CONNECTION, INC.,

Plaintiff,

V.

**STEPHEN TODD SIMPSON,
DAVID MCCARTHY,
FABRICATORS STONE GROUP, LLC,
STONE SOURCE INTERNATIONAL, INC.,
AND VARIOUS JOHN AND
JANE DOES,**

Defendants.

CIVIL ACTION NO. 4:07 CV 431

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR ENTRY OF PROTECTIVE ORDER

Plaintiff Stone Connection, Inc. (“Plaintiff” or “Stone Connection”), moves this Court for entry of the protective order filed contemporaneously herewith, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure. In support, Stone Connection shows the Court as follows:

1. This case involves allegations of misappropriation of trade secrets, breach of fiduciary duties, conversion, and conspiracy against former employees and competitors of Plaintiff. Due to the nature of the claims, Plaintiff anticipates that discovery will concern trade secrets and confidential and proprietary information.

2. The Court has broad discretion to issue a protective order on a showing of good cause to protect a party from annoyance, embarrassment, oppression, or undue burden or expense. *See* FED. R. CIV. P. 26(c). Entry of this proposed Protective Order, attached hereto as Exhibit “A”, is appropriate pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, which recognizes that protective orders are a proper means of controlling discovery that relates to “a

trade secret or other confidential research, development, or commercial information.” FED. R. Civ. P. 26(c)(1)(G). Although this motion is filed solely by Plaintiff, the language, terms, and procedures included in the proposed Protective Order would apply to protect all parties.

3. Counsel for Plaintiff conferred in good faith with Defendants’ counsel by correspondence dated November 14, 2007, attached hereto as Exhibit “B”. Defendants’ counsel opposed the relief requested. In an effort to conserve judicial resources, Plaintiff’s counsel attempted to compromise with Defendants’ counsel by correspondence dated November 30, 2007, attached hereto as Exhibit “C”. Plaintiff again conferred by correspondence dated January 2, 2008, and by email dated January 23, 2008, attached hereto as Exhibits “D” and “E”, respectively.

4. Mr. William “Alex” Brady, II, counsel of record for Defendant Stone Source International, Inc. has advised Plaintiff’s counsel that he does not oppose the relief requested. As of the date of filing this Motion, however, Defendants Fabricators Stone Group, LLC, Stephen Todd Simpson, and David McCarthy have not agreed to the relief requested. Because Plaintiff wishes to proceed move this lawsuit forward by participating in discovery and document production, Plaintiff has no choice but to file this Motion for Entry of Protective Order.

WHEREFORE, Plaintiff respectfully requests that the Court enter the proposed Protective Order, attached hereto as Exhibit “A”, and grant Plaintiff any additional relief to which it may be entitled.

Akin Gump Strauss Hauer & Feld LLP

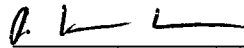


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**ATTORNEYS FOR PLAINTIFF,
STONE CONNECTION, INC.**

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred in good faith with Defendants' counsel by correspondence dated November 14, 2007, attached hereto as Exhibit "B". Defendants' counsel opposed the relief requested. In an effort to conserve judicial resources, Plaintiff's counsel attempted to compromise with Defendants' counsel by correspondence dated November 30, 2007, attached hereto as Exhibit "C". Plaintiff again conferred by correspondence dated January 2, 2008, and by email dated January 23, 2008, attached hereto as Exhibits "D" and "E", respectively. Mr. William "Alex" Brady, II, counsel of record for Defendant Stone Source International, Inc. has advised Plaintiff's counsel that he does not oppose the relief requested. As of the date of filing this Motion, however, Defendants Fabricators Stone Group, LLC, Stephen Todd Simpson, and David McCarthy have not agreed to the relief requested.



R. Laurence Macon

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Plaintiff's Motion for Entry of Protective Order using the ECF System which sent notification of such filing to the following:

Robert C. Wiegand
Godwin Pappas Ronquillo, LLP
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William "Alex" Brady, II
Watkins Ludlam Winter & Stennis, P.A.
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Post Office Drawer 160
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Certified on this 28th day of January, 2008.



R. Laurence Macon